IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4221 OF 2003

Mangala Mane ...Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. Sandesh D. Patil for the Petitioner

Mr. V.P. Malvankar, Assistant Government Pleader, for Respondents No. 1 to 3.

CORAM: KSHITIJ R. VYAS, C.J., &
DR.D.Y.CHANDRACHUD,J.
DATE: MARCH 20, 2006.

P.C.:-

1. The petitioner has filed this petition aggrieved by an order dated 16th December, 2002 passed by the Maharashtra Administrative Tribunal, Mumbai, in O.A. No. 526 of 2002. By the said application, the petitioner challenged the order dated 8th June, 2000 passed by the Joint Director of Health Service (Health), Pune, transferring Rajashree R. Bansode, respondent No. 7, to the post of the District Health Officer, Zilla Parishad, Sangli, and thereby refusing to grant

permanent allotment on the said post to the petitioner, who was working as a District Public Health Nurse since 22nd June, 1986.

2. During the pendency of this writ petition, the petitioner is transferred from Sangli to Jalna. The transfer being an incident of service, Courts are slow in interfering with the same, and therefore, we do not interfere with it.

3. Learned counsel Mr. Sandesh Patil, appearing for the petitioner, wishes to withdraw this petition with a view to file a representation to the Director, Health Services, to re-consider his decision to transfer the petitioner.

4. In the representation, it will be open for the petitioner to raise a dispute, viz., that she is entitled to work as District Public Health Nurse on the ground that she is senior to respondent No. 7, enclosing necessary materials. As and when the said representation is made, the same shall be considered in accordance with law without, in any manner, being influenced by the decision rendered in O.A. No. 526 of 2002 by the Maharashtra Administrative Tribunal, Mumbai.

5. With the above observations and direction, leave is granted. The petition is allowed to be withdrawn.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,J.